

1 PHILLIP A. TALBERT  
2 Acting United States Attorney  
3 PETER K. THOMPSON  
4 Acting Regional Chief Counsel  
5 DANIEL P. TALBERT  
6 Special Assistant United States Attorney  
7 Social Security Administration  
8 160 Spear Street, Suite 800  
9 San Francisco, CA 94105  
10 Telephone: (510) 970-4860  
11 Facsimile: (415) 744-0134  
12 Attorneys for Defendant

13  
14  
15 UNITED STATES DISTRICT COURT  
16 EASTERN DISTRICT OF CALIFORNIA  
17 FRESNO DIVISION

18  
19  
20  
21  
22 SHEILA NKEM,  
23 Plaintiff,  
24 v.  
25 KILOLO KIJAKAZI,  
26 Acting Commissioner of Social Security,  
27 Defendant.

No. 1:20-cv-00416-EPG

STIPULATION AND ORDER FOR EXTENSION  
TO FILE DEFENDANT'S RESPONSE TO  
PLAINTIFF'S BRIEF

28 The parties stipulate through counsel that Defendant, the Acting Commissioner of Social  
29 Security (the "Commissioner"), shall have an extension of time to file her opposition in this case.  
30 In support of this request, the Commissioner respectfully states as follows:

- 31 1. Primary responsibility for handling this case has been delegated to the Office of  
32 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").  
33 2. Defendant's response to Plaintiff's opening brief is currently due January 5, 2021.  
34 Defendant has not previously requested an extension of time for this deadline.

1           3. The Region IX Office currently handles all district and circuit court litigation  
2 involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and  
3 Guam.

4           4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively  
5 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.  
6 Most of the attorneys who handle program litigation cases have additional responsibilities, such  
7 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the  
8 work product of junior attorneys, conducting trainings, and participating in national workgroups.  
9 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has  
10 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-  
11 assigned cases into their existing caseloads.

12          5. In addition to “program” litigation, the Region IX Office provides a full range of  
13 legal services as counsel for the Social Security Administration, in a region that covers four  
14 states (including the most populous state in the nation) and three territories. These other  
15 workloads include employment litigation; civil rights investigations; bankruptcy matters; and  
16 requests for legal advice on wide-ranging topics, including Regional office client requests for  
17 advice on program issues, employee conduct and performance, reasonable accommodation,  
18 hostile work environment, ethics, Privacy Act and disclosure, and torts. Because of the high  
19 volume of program litigation cases, the Region IX Office has had to focus its efforts on  
20 processing only other workloads that are subject to statutory, regulatory, and court deadlines.

21          6. The undersigned attorney has eleven briefs due in district court cases over the  
22 next thirty days. The undersigned attorney for Defendant is also responsible for reviewing the  
23 work of two new attorneys in the Region IX Office. In addition, the undersigned attorney will be  
24 out of the office on pre-approved annual leave from December 20, 2021, until January 3, 2022.

25          7. Due to the volume of the overall workload within the Region IX Office, neither  
26 the undersigned attorney nor another attorney in the Region IX Office anticipate being able to  
27 complete briefing by the current due date of January 5, 2022. Therefore, Defendant seeks an

extension of 30 days, until February 4, 2022, to respond to Plaintiff's opening brief.

8. This request is made in good faith and is not intended to delay the proceedings in this matter.

WHEREFORE, Defendant requests until February 4, 2022, to file her response.

Respectfully submitted,

**PHILLIP A. TALBERT**  
Acting United States Attorney

DATE: December 14, 2021 By /s/ *Daniel P. Talbert*  
DANIEL P. TALBERT  
Special Assistant United States Attorney  
  
Attorneys for Defendant

## **ORDER**

Pursuant to the parties' stipulation (ECF No. 25), IT IS HEREBY ORDERED that Defendant shall file a response to Plaintiff's opening brief no later than February 4, 2022. All other deadlines in the Scheduling Order (ECF No. 7) are extended accordingly.

IT IS SO ORDERED.

Dated: **December 14, 2021**

/s/ Eric P. Groj  
UNITED STATES MAGISTRATE JUDGE